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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* Algeria, Australia,* Austria,* Azerbaijan,* Belgium, Bosnia and Herzegovina,* Botswana, Bulgaria,* Canada,* Colombia,* Croatia,* Denmark,* El Salvador, Fiji,* Finland,* France, Georgia,* Germany, Haiti,* Honduras,* Hungary,* Iceland,* Ireland,* Kenya, Luxembourg,* Mexico, Montenegro,* Netherlands, New Zealand,* Norway,* Panama, Paraguay, Peru,* Poland,* Portugal, Romania,* Serbia,* Slovakia,* Slovenia, South Africa†, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Turkey,* Uruguay,* Ukraine,* United States of America:* draft resolution

32/... The right to a nationality: women's equal nationality rights in law and in practice

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality, and article 2 of the same Declaration, according to which everyone is entitled to the rights and freedoms set forth in the Declaration without distinction of any kind, including on the basis of sex,

Recalling the adoption of Human Rights Council resolutions 13/2 of 24 March 2010 on arbitrary deprivation of nationality, 20/4 of 5 July 2012 on the right to nationality, and 28/13 of 26 March 2015 on birth registration,

Bearing in mind the challenges still faced by all countries throughout the world to achieve gender equality and the empowerment of all women and girls,

Noting the provisions of international and regional human rights instruments recognizing the equal right to nationality, including article 9 of the Convention on the

* State not a member of the Human Rights Council.
† On behalf of States Members of the United Nations that are members of the Group of African States.

Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, and article 5 (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination,

Taking into account the fact that article 9 of the Convention on the Elimination of All Forms of Discrimination against Women recognizes that women have equal rights with men to acquire, change or retain their nationality and with respect to the nationality of their children,

Noting that in its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee on the Elimination of Discrimination against Women seeks to ensure equality between men and women in the ability to confer their nationality on their spouse,

Noting also the provisions of international and regional human rights and other instruments recognizing the right of every child to acquire a nationality and specifying the obligations of States parties to register every child immediately after birth, including internally displaced, refugee and migrant children, inter alia, article 24, paragraphs 2 and 3, of the International Covenant on Civil and Political Rights, article 7 of the Convention on the Rights of the Child and article 18, paragraph 1 (a) of the Convention on the Rights of Persons with Disabilities, and the role that birth registration plays in confirming nationality and preventing statelessness,

Recalling that following the United Nations Fourth World Conference on Women, delegates from 189 countries pledged, based on the 1995 Beijing Declaration and Platform for Action, to "revoke any remaining laws that discriminate on the basis of sex",

Noting the pledge made in the political declaration of the fifty-ninth session of the Commission on the Status of Women to "take further concrete action to ensure the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action and the outcome documents of the twenty-third special session of the General Assembly, including through strengthened implementation of laws, policies, strategies and programme activities for all women and girls," and the agreed conclusions of the 60th Commission on the Status of Women, which further urge States to "eliminate all forms of discrimination against women and girls through … the removal, where they exist, of discriminatory provisions in legal frameworks, including punitive provisions, and setting up legal, policy, administrative and other comprehensive measures, including temporary special measures as appropriate, to ensure women's and girls' equal and effective access to justice and accountability for violations of human rights of women and girls",

Welcoming the global 10-year campaign to end statelessness by 2024 of the Office of the United Nations High Commissioner for Refugees, which calls for the removal of gender-based discrimination from nationality laws worldwide as a crucial step to eradicating statelessness,

Welcoming also the Global Campaign for Equal Nationality Rights by an international coalition of organizations concerned by this issue,

Welcoming further the adoption of the 2030 Agenda for Sustainable Development,[1] recalling that it includes targets on eliminating discrimination against all women and girls, eliminating all discriminatory laws, policies and practices, and providing a legal identity for all, and recognizing that equal nationality rights for women can contribute to the achievement of the 2030 Agenda,

[1] General Assembly resolution 70/1

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on discrimination against women on nationality-related matters, including the impact on children,[2] as requested by the Human Rights Council in its resolution 20/4,

Welcoming also the recent actions taken by States to reform, or make a clear commitment to reform, their nationality laws to grant equal nationality rights to women,

Taking note of recent regional initiatives to reform nationality laws that discriminate against women and girls, such as the 2015 Abidjan Declaration of Ministers of Member States of the Economic Community of West African States on the eradication of statelessness, the 2014 Brazil Declaration and Plan of Action on strengthening the international protection of refugees, displaced and stateless persons in Latin America and the Caribbean, and other regional initiatives, including the resolution on legal identity for children, adopted in 2016 in Lusaka by the 134th Inter-Parliamentary Union Assembly, the first conclusions on statelessness adopted by the Council of the European Union in 2015, the African Union initiative to develop a draft protocol on the right to a nationality in Africa, the seven-point plan of action that resulted from the meeting of Parliamentarians held on 26 and 27 November 2015 in Cape Town, South Africa, which focused on the role of parliaments in preventing and ending statelessness, and the Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime, which underscore the importance of regional and international cooperation,

Recognizing that discrimination against women and girls in nationality laws persists in almost all regions of the world, and remains a significant cause of statelessness among men, women and children,

Bearing in mind that discrimination against women and girls in nationality laws can have far-reaching consequences for entire families, including lack of documentation, which increases vulnerability to human rights abuses and violations, arbitrary arrest and detention, inability to work and marry legally, lack of freedom of movement, the worst forms of child labour, child, early and forced marriage, denial of property and land ownership, family separation, diminished access to education and health care, economic hardship, human trafficking and social and political marginalization,

Noting that among displaced, migrant and refugee populations, gender inequality in nationality laws may leave children born in woman-headed households, including those headed by indigenous women, at risk of statelessness and may pose a barrier to children's eventual voluntary return to the country of their parents' residence,

1. *Reaffirms* that the right to a nationality is a universal human right enshrined in the Universal Declaration of Human Rights, and that every man, woman and child has the right to a nationality, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

2. *Recognizes* that it is up to each State to determine by law who its nationals are, provided that such determination is consistent with its obligations under international law, including with respect to non-discrimination,

3. *Calls upon* all States to adopt and implement nationality legislation consistent with their obligations under international law, including with respect to the elimination of all forms of discrimination against women and girls in nationality-related matters, and with a view to preventing and reducing statelessness;

[2] A/HRC/23/23.

4. *Urges* all States to refrain from enacting or maintaining discriminatory nationality legislation, with a view to avoiding statelessness and loss of nationality, preventing vulnerability to human rights violations and abuses, decreasing the risk of exploitation and abuse, and promoting gender equality in the acquisition, change, retention or conferral of nationality;

5. *Urges* States to take immediate steps to reform nationality laws that discriminate against women by granting equal rights to men and women to confer nationality on their children and spouses and regarding the acquisition, change or retention of their nationality;

6. *Urges* States that have reformed nationality laws to ensure the effective implementation of the laws, including through awareness-raising and publicity, and gender-sensitive training of public officials, including judges and local leaders, and targeted outreach to civil society to engage relevant communities;

7. *Urges* States to ensure that men and women have equal access to documents used to prove nationality, in particular passports, identity documents and birth, and where relevant, marriage certificates;

8. *Calls upon* States to identify and remove physical, administrative, procedural and any other barriers, especially those targeting women, that impede access to registration of vital life events including birth, marriage and death registration, and including late registration and associated fees, paying due attention to, among others, barriers relating to poverty, age, disability, gender, nationality, displacement, illiteracy and detention contexts, and to persons in vulnerable groups, and to remove barriers to birth registration based on discrimination against unwed mothers;

9. *Also calls upon* States to ensure that effective and appropriate remedies are available to all persons, in particular women and children, whose right to a nationality has been violated, including restoration of nationality and expedient provision of documentary proof of nationality by the State responsible for the violation;

10. *Encourages* relevant special procedures of the Human Rights Council, including the Working Group on the issue of discrimination against women in law and in practice, as well as specialized agencies, funds and programmes, and United Nations entities, including the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women, and invites treaty bodies, in coordination with the Office of the United Nations High Commissioner for Refugees, to address and highlight issues relating to the right to a nationality and statelessness within their mandates;

11. *Also encourages* States to continue to raise these issues in the universal periodic review process;

12. *Further encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international human rights conventions if they have not already done so;

13. *Calls upon* States to implement their international legal obligations to combat human trafficking, including the identification of potential victims of trafficking and the provision of appropriate assistance to stateless persons who may be victims of trafficking, paying particular attention to the needs and vulnerabilities of trafficked women and children;

14. *Calls upon* all States to ensure that all persons, regardless of their nationality status, enjoy their human rights and fundamental freedoms;

15. *Encourages* States to facilitate, in accordance with their national laws, the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless;

16. *Urges* States to take concrete action to ensure the full and effective implementation of the Beijing Declaration and Platform for Action and the outcomes of its reviews, and to ensure non-discrimination under the law, including with respect to nationality;

17. *Recognizes* the importance of international cooperation, and encourages States to request technical assistance, if required and where appropriate, from relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders, in order to make reforms to eliminate from their nationality laws all forms of discrimination against women;

18. *Encourages* States to address women's equal nationality rights and the challenge of statelessness and vulnerability that emerges when they are not fully respected and implemented, when developing, implementing and monitoring national action plans or other relevant mechanisms for the realization of the 2030 Agenda for Sustainable Development, recognizing the need to ensure gender equality and empowerment of women and girls and to provide legal identity for all, and encourages development actors to support the capacity of Governments to implement these efforts;

19. *Also encourages* States to develop and implement national action plans to end statelessness, taking into account the guidance set forth in the global 10-year campaign to end statelessness by 2024 of the Office of the United Nations High Commissioner for Refugees, and further encourages the Office to provide technical assistance to support these efforts, if requested and as appropriate;

20. *Requests* the United Nations High Commissioner for Human Rights, in coordination with the United Nations High Commissioner for Refugees:

(*a*) To organize, prior to the thirty-sixth session of the Human Rights Council, a half-day expert workshop to showcase best practices to promote women's equal nationality rights in law and in practice, including the ability of women to confer their nationality on their spouse;

(*b*) To encourage States, relevant United Nations bodies, funds and programmes, intergovernmental organizations, treaty bodies, special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other relevant stakeholders, to participate actively in the workshop;

(*c*) To prepare a summary report on the above-mentioned workshop, including any recommendations stemming therefrom, and to submit it to the Human Rights Council at its thirty-sixth session.